

Appln No. 10/099,698
Amdt. Dated December 6, 2004
Reply to Office Communication of 09/17/2004
Docket No. 14XZ00157

REMARKS/ARGUMENTS

This Amendment includes a Petition Under 37 CFR 1.137(b).

Status of the Application:

Status of the Claims:

Claims 1 to 33 have been presented for examination. Claims 20-33 is rejected under 35 USC 112, second paragraph, because of noted indefiniteness. Claims 1, 5, 8, 16, 20, 21 and 33 are objected to because of noted informalities. Claims 1, 16 and 33 are rejected under 35 USC 103(a) as being unpatentable over Janssen, US 4, 481,656, in view of Roehm, US 5,293,574. Claims 5, 8 and 12 are rejected under 35 USC 103(a) as being unpatentable over Janssen, US 4, 481,656, in view of Roehm, US 5,293,574 and further in view of Marks, US 5,233,639.

Claims 2-5, 6-7, 9-11, 13-14, and 17-19 are objected to but would be allowable if rewritten in independent form.

Claims 20-33 would be allowable if rewritten or amended to overcome the rejection under 35 USC 112, second paragraph.

Status of the priority claim: The Examiner is requested to acknowledge receipt of a certified copy of the application under 35 USC 119(a)-(d).

Status of the Information Disclosure Statement: The Examiner has acknowledged receipt of the Information Disclosure Statement filed by the applicant. A further Information Disclosure Statement is enclosed herewith.

Rejection of Claims 20-33 under 35 USC 112, second paragraph:

Claim 20 has been amended to correct a typographical error. Claim 20 and dependent claims 21-33 are now considered allowable with respect to 35 USC 112, second paragraph.

Objection to Claims 1, 5, 8, 16, 20, 21 and 33 because of noted informalities:

Claims 1, 5, 8, 16, 20, 21 and 33 have been amended as proposed by the Examiner.

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Rejection of Claims 1, 16 and 33 under 35 USC 103(a) as being unpatentable over Janssen, US 4, 481,656, in view of Roehm, US 5,293,574 and Rejection of Claims 5, 8 and 12 under 35 USC 103(a) as being unpatentable over Janssen, US 4, 481,656, in view of Roehm, US 5,293,574 and further in view of Marks, US 5,233,639.

The Examiner has indicated that claim 2, dependent on claim 1, recites allowable subject matter. Accordingly, claim 1 has been amended to include the subject matter of claim 2 and claim 2 is cancelled. Claim 1 is now considered allowable and claims 3 to 15, each dependent on claim 1 is considered allowable for the same reasons as claim 1.

The Examiner has indicated that claim 17, dependent on claim 16, recites allowable subject matter. Accordingly, claim 16 has been amended to include the subject matter of claim 17 and claim 17 has been cancelled. The dependency of claim 18 and 19 has been amended to claim 16. Claim 16 is now considered allowable and claims 18 and 19, each dependent on claim 16 are considered allowable for the same reasons as claim 16.

The status of claim 33 requires clarification. The Examiner has rejected claim 33 as being unpatentable under 35 USC 103(a) *and* has also indicated that claim 33 would be allowable if rewritten or amended to overcome the rejection under 35 USC 112, second paragraph and the objections to claim 33 (see paragraph 10, page 6 of the Office communication, and paragraph 11, page 7 of the Office communication). The present amendment has overcome the rejection under 35 USC 112, second paragraph, and the objections. Is claim 33 now considered allowable?

Claims 19 and 32 have been amended to correct typographical errors.

Claims 34 to 47 have been added to ensure that the Applicant receives adequate protection.

In view of the amendments to the claims, Applicant respectfully requests reconsideration and withdrawal of all objections and/or rejections under 35 U.S.C. §103(a) and 35 U.S.C. §112, second paragraph, which Applicant considers to be traversed. The Applicant respectfully requests that the Examiner reconsider and withdraw

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all of these rejections and respectfully requests a timely Notice of Allowance with respect to claims 1 to 47.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0470.

Respectfully submitted,

VAILLANT ET AL.

By 

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